

STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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OPINION OF THE PUBLIC ACCESS COUNSELOR

LOGAN J. DAY,)		
Complainant)))		
v.)	17-FC-102	
THE HOOSIER HERITAGE PORT AUTHORITY)		
Respondent)		

ADVISORY OPINION June 12, 2017

This advisory opinion is in response to the formal complaint alleging the Hoosier Heritage Port Authority of Noblesville, IN ("HPPA") violated the Open Door Law (ODL). *Indiana Code § 5-14-1.5-1 et. seq.* The HPPA responded via Ms. Anne Hensely Poindexter, Esq. Pursuant to Indiana Code Section 5-14-5-10, I issue the following opinion to the formal complaints received by the Office of the Public Access Counselor on April 25, 2017.

BACKGROUND

The formal complaint alleges the HPPA violated the ODL by scheduling a public meeting without posting notice in the local newspaper or publishing information on its website. The Complainant cannot verify whether the physical notice at the meeting location was posted 48 hours in advance.

The HPPA argues the physical notice was indeed posted in a timely manner and that newspaper notice is not required for a regular public meeting.



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ANALYSIS

The policy of the Open Door Law ("ODL") states that official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. See Ind. Code § 5-14-1.5-1. Put differently, the ODL presumes that a meeting by a public agency conducting the business of the people must be open for the public to "observe and record them." Ind. Code § 5-14-1.5-3(a).

Ind. Code § 5-14-1.5-5 provides the mechanisms for posting notice of the meeting. All that is required for a regular public meeting is the date, time and location of the meeting to be posted at the meeting location. Internet notice is not required for meetings of a local governing body and notice to media (but not publication of notice) is only required if the media requests individual notification before the first of the year.

Notice of certain public *hearings* require newspaper publication but not meetings. Those hearings are for specific subject matters (property tax appeals, annexations, passages of ordinances and budgets, etc.) but not regular meetings. To that end, the Complainant has not provided any substantive evidence or a presumption that the HPPA is in non-compliance with the Open Door Law.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Hoosier Heritage Port Authority has not violated the Open Door Law.

Regards,

Luke H. Britt

Public Access Counselor

Cc: Ms. Anne Hensley Poindexter, Esq.